

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 13 and 14 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 are now pending in this application.

### Rejection under 35 U.S.C. § 102

Claims 1-4 and 8-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,213,196 to Ozaki *et al.* (hereinafter “Ozaki”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Amended claim 1 recites a heat exchanger for motor vehicles, comprising, among other things, fins arranged in flow paths of a second fluid, wherein the fins extend between adjacent flat tubes, and wherein the fins are arranged in series in a direction of flow of the second fluid and are laterally offset in relation to one another such that at least one of the fins is completely laterally offset in relation to at least one other fin. Claims 2-4 and 8-11 depend from claim 1.

Ozaki discloses a double heat exchanger 100 having “condenser tubes 111 through which refrigerant flows, [and] plural condenser fins 112 each of which is disposed between adjacent condenser tubes 111 to facilitate heat exchange between refrigerant and air.” See col. 3, lines 27-31. The double heat exchanger 100 also has “radiator tubes 121 through which engine coolant flows, [and] plural radiator fins 122 each of which is disposed between adjacent radiator tubes 121 to facilitate heat exchange between engine coolant and air.” See col. 3, lines 49-52. The condenser fins 112 and the radiator fins 122 “are integrally formed by rolling.” See col. 4, lines 16-17. Each of the wall portions of the condenser fins 112 and

radiator fins 122 have plural louvers 112e, 123e which “disturb a flow of air passing by the condenser and radiator fins.” See col. 4, lines 30-35. According to one embodiment, “an inclination angle  $\theta$  of the condenser fin 112 is made different from the inclination angle  $\theta_2$  of the radiator fin 122.” See col. 4, lines 53-55.

The Office suggests on page 3 of the Office Action that Figures 3 and 4 of Ozaki disclose fins laterally offset in relation to one another. As shown in Figures 3-8 of Ozaki, the fins 112 and 122 are not arranged “such that at least one of the fins is completely laterally offset in relation to at least one other fin,” as recited in amended claim 1. For at least this reason, Applicants submit that the outstanding rejection under §102.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

#### Claims 5-7

Claims 5-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ozaki in view of U.S. Patent No. 4,580,624 to Ishida *et al.* (hereinafter “Ishida”). This rejection is respectfully traversed.

Ozaki fails to teach or suggest fins arranged “such that at least one of the fins is completely laterally offset in relation to at least one other fin,” as recited in amended claim 1. Ishida fails to remedy this deficiency. Thus, Applicants submit that the outstanding rejection based upon the combination of Ozaki and Ishida does not properly apply to independent claim 1 or to claims 5-7 which depend therefrom. Reconsideration and withdrawal of this rejection is respectfully requested.

#### Claim 12

Claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ozaki. This rejection is respectfully traversed.

Ozaki fails to teach or suggest fins arranged “such that at least one of the fins is completely laterally offset in relation to at least one other fin,” as recited in amended claim 1. Thus, Applicants submit that the outstanding rejection based upon the combination of Ozaki and Ishida does not properly apply to independent claim 1 or to claim 12 which depends therefrom. Reconsideration and withdrawal of this rejection is respectfully requested.

### **Double Patenting Rejection**

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 10 of U.S. Patent No. 7,147,047 to Wolk in view of EP 0 773 419 to Sugimoto *et al.* Applicants respectfully request that the Office reconsider this rejection in view of the foregoing amendments. Furthermore, Applicants request that the PTO hold this rejection in abeyance until it deems the claims to be free of the art cited in the outstanding art based rejections.

### **New Claims**

New claims 13 and 14 have been added. Claims 13 and 14 depend from claim 1 and are allowable over the references relied upon by the Office for at least the reasons discussed above and for their respective additional recitations.

### **CONCLUSION**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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